

REMARKS

Claims 1-21 are pending in the Application.

Claims 1-21 stand rejected.

Claims 1-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Barmore* (U.S. Patent No. 6,647,451). Applicants respectfully traverse this rejection. The filing date of *Barmore* is June 30, 2000. The filing date of the present application is July 19, 2000. The Examiner has asserted that the Declaration Under 37 C.F.R. §1.131 of Kelly Kordzik is insufficient to prove conception and diligence. However, the Examiner has indicated that the draft of the patent application provided by Applicants as Exhibit B would show conception if provided under a Declaration by the inventors. The Examiner has further stated that Applicants can establish diligence by Applicants' attorney stating that the handling of the patent application was in a normal course of business by the attorney.

As a result, Applicants hereby enclose several Declarations Applicants believe address the Examiner's concerns. First, there is a Declaration by Timothy Maleck, one of the inventors of the above-identified patent application, along with Exhibits showing that a draft of the patent application, virtually identical to the version of the application as filed, was delivered to Mr. Maleck previous to the filing date of the *Barmore* reference. A second Declaration by the other two inventors, Mssrs. Boswell and Barnes, also identifies the draft of the application received prior to the *Barmore* reference as being virtually identical to the application as filed. A third Declaration by Applicants' attorney, Kelly Kordzik, adds a paragraph 7 where Mr. Kordzik states that the handling of the patent application was performed by Mr. Kordzik in a normal course of business.

As a result of the foregoing, the Examiner's § 102 rejection of the claims is overcome since *Barmore* is not proper prior art to the present invention.

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Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.  
Attorneys for Applicant

By: 

Kelly K. Kordzik  
Reg. No. 36,571

P.O. Box 50784  
Dallas, Texas 75201  
(512) 370-2851

Austin\_1\268574\1  
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